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    UBER TECHNOLOGIES, INC.
18 and OTTOMOTTO LLC

19   UNITED STATES DISTRICT COURT

20   NORTHERN DISTRICT OF CALIFORNIA

21   SAN FRANCISCO DIVISION

22 WAYMO LLC,   Case No.   3:17-cv-00939-WHA

23   Plaintiff,   **DECLARATION OF MICHELLE
                                            YANG IN SUPPORT OF
24   v.   DEFENDANTS' ADMINISTRATIVE
                                            MOTION TO FILE UNDER SEAL
25 UBER TECHNOLOGIES, INC.,   PORTIONS OF THEIR MOTION FOR
    OTTOMOTTO LLC; OTTO TRUCKING LLC,   SUMMARY JUDGMENT AND
26   EXHIBITS THERETO**

            Defendants.
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1   I, Michelle Yang, declare as follows:

2   1.   I am an attorney at the law firm of Morrison & Foerster LLP. I make this

3 declaration based upon matters within my own personal knowledge and if called as a witness, I

4 could and would competently testify to the matters set forth herein. I make this declaration in

5 support of Defendants' Administrative Motion to File Under Seal Portions of Their Motion for

6 Summary Judgment and Exhibits Thereto.

7   2.   I have reviewed the following documents and confirmed that only the portions

8 identified below merit sealing:

Document	Portions to Be Filed Under Seal	Designating Party
Motion for Summary Judgment ("Motion")	Highlighted Portions	Plaintiff (Green) Defendants (Blue) Third-party Velodyne (Yellow) Otto Trucking (Red)
Exhibits 2-4 to the Declaration of Michelle Yang	Entire Documents	Defendants
Exhibit 8 to the Declaration of Michelle Yang	Entire Document	Plaintiff
Exhibits 9-11, 15 to the Declaration of Michelle Yang	Highlighted Portions	Plaintiff (green)
Exhibits 17-18 to the Declaration of Michelle Yang	Entire Documents	Third-party Velodyne
Declaration of James Haslim	Highlighted Portions	Defendants (Blue)
Declaration of Brent Schwartz	Highlighted Portions	Otto Trucking (Red)
Exhibit 1 to the Declaration of Shane Brun	Highlighted Portions	Otto Trucking (Red)

Exhibit 2 to the Declaration of Shane Brun	Highlighted Portions	Otto Trucking (Red) Plaintiff (green)
Exhibit 3 to the Declaration of Shane Brun	Entire Document	Otto Trucking Defendants
Exhibits 4-5 to the Declaration of Shane Brun	Highlighted Portions	Defendants (Blue)
Exhibit 6 to the Declaration of Shane Brun	Entire Document	Plaintiff
Exhibit 7 to the Declaration of Shane Brun	Entire Document	Plaintiff Defendants

3.   The blue-highlighted portions of the Motion, the entireties of Exhibits 2-4 to the Declaration of Michelle Yang, the blue-highlighted portions of the Declaration of James Haslim, the blue-highlighted portions of Exhibits 4-5 to the Declaration of Shane Brun, and the entirety of Exhibit 7 to the Declaration of Shane Brun contain highly confidential information regarding the technical details of specific elements of Uber's LiDAR systems, including specifications and diagrams, as well as Uber's development plans for these systems. This highly confidential information is not publicly known, and its confidentiality is strictly maintained. Disclosure of this information could allow competitors to obtain a competitive advantage over Uber by giving them details into the technical components of Uber's LiDAR sensors, such that Uber's competitive standing could be significantly harmed.

4.   Exhibit 3 to the Declaration of Shane Brun contains highly confidential information regarding the details of a business agreement. This highly confidential information is not publicly known, and its confidentiality is strictly maintained. Disclosure of this information could allow competitors to obtain a competitive advantage over Uber by giving them details into how defendants negotiate their business agreements, such that Uber's competitive standing could be significantly harmed.

1   5.   The red-highlighted portions of the Motion, the red-highlighted portions of the

2   Declaration of Brent Schwartz, and the entirety of Exhibit 3 to the Declaration of Shane Brun

3   contain information that has been designated "Highly Confidential – Attorneys' Eyes Only" by

4   Otto Trucking in accordance with the Patent Local Rule 2-2 Interim Model Protective Order

5   ("Protective Order"), which the parties have agreed governs this case (Transcript of 3/16/2017

6   Hearing, page 6). Defendants file this material under seal in accordance with Paragraph 14.4 of

7   the Protective Order.

8   6.   The yellow-highlighted portions of the Motion and the entireties of Exhibits 17-18

9   contain highly confidential information of third-party Velodyne. Defendants request the Court

10   keep this third-party's technical information secret to protect their competitive standing.

11   7.   The green-highlighted portions of the Motion, the entirety of Exhibit 8, and the

12   green-highlighted portions of Exhibit 9-11, and 15 to the Yang Declaration, and entirety of

13   Exhibits 6-7 to the Declaration of Shane Brun contain information that has been designated

14   "Highly Confidential – Attorneys' Eyes Only" by Waymo in accordance with the Patent Local

15   Rule 2-2 Interim Model Protective Order ("Protective Order"), which the parties have agreed

16   governs this case (Transcript of 3/16/2017 Hearing, page 6). Defendants file this material under

17   seal in accordance with Paragraph 14.4 of the Protective Order.

18   8.   Defendants' request to seal is narrowly tailored to the portions of the Motion and

19   its supporting papers that merit sealing.

20   I declare under penalty of perjury that the foregoing is true and correct. Executed this 31st

21   day of August, 2017 in Washington, D.C.

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23   _/s/ Michelle Yang_____
                                                Michelle Yang

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ATTESTATION OF E-FILED SIGNATURE

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I, Arturo J. González, am the ECF User whose ID and password are being used to file this

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Declaration. In compliance with General Order 45, X.B., I hereby attest that Michelle Yang has

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concurred in this filing.

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Dated: August 31, 2017   _/s/ Arturo J. González_
                                                            ARTURO J. GONZÁLEZ

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